

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

DAVID LANCE JOSEPH

CIVIL ACTION

APR 26 2010

v.

MICHAEL E. KUNZ, Clerk
By, _____ Dep. Clerk

SUPERINTENDENT PEAZZA, *et al.*

NO. 09-2031

ORDER

AND NOW, this *26th* day of *April*, 2010, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Response, inclusive of all exhibits thereto, the other documents filed by the parties, the state court record, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED without an evidentiary hearing; and
3. Petitioner has not shown that reasonable jurists would disagree with this court's disposition of his claims. Consequently, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT:


ROBERT F. KELLY, J.